

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1077 CUTTACK, WEDNESDAY, JULY 6, 2005 / ASADHA 15, 1927

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 23rd June 2005

No. 5277—li/1(BH)-24/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th April 2005 in Industrial Dispute Case No. 71 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of Shri Gangadhar Rout, Contractor of Orissa Polyfibres Limited, Dhenkanal and its Workmen Shri Bharat Ch. Rout and 11 others represented through the President, Orissa Synthetics Shramik Sangha, Dhenkanal was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 71 OF 2003
Dated the 19th April 2005

Present :

Shri G. N. Patra, LL. B.
Presiding Officer, Labour Court
Sambalpur.

Between :

- | | |
|---|----------------------------|
| The Management of | .. First Party—Managements |
| 1. Shri Gangadhar Rout, Contractor of
Orissa Polyfibres Limited, Dhenkanal
Dist. Dhenkanal. | |
| 2. The Chief Executive
Orissa Polyfibres Ltd.
At Lakshminagar, P.O. Baulpur
Dist. Dhenkanal. | |

And

Their Workmen	..	Second Party—Workmen
(1) Bharat Rout, (2) Banamali Mallick,		
(3) Laxman Mallick, (4) Lambodara Rout,		
(5) Sribasha Rout, (6) Jugal Rout,		
(7) Ranjan Naik, (8) Rusia Sahoo,		
(9) Bishnunath Rout, (10) Pramod Rout,		
(11) Sankar Behera and (12) Ranjan Barik		
C/o the President, Orissa Synthetics		
Shramik Sangha, At Mahavir Bazar,		
Dhenkanal.		

Appearances :

For the First Party—Management-1	..	Self
Management-2	..	Shri J. P. Jena
		Authorised Representative
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For the Second Party—Workmen	..	President, Orissa
		Synthetics Shramik
		Sangha, Dhenkanal.

AWARD

“This is a reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide memo No. 11293(6), dated the 24th November 2003 for adjudication as to whether the termination of services of S/Shri (1) Bharat Rout, (2) Banamali Mallick, (3) Laxman Mallick, (4) Lambodara Rout, (5) Sribasha Rout, (6) Jugal Rout, (7) Ranjan Naik, (8) Rusia Sahoo, (9) Bishnunath Rout, (10) Pramod Rout, (11) Sankar Behera and (12) Ranjan Barik contract labourers with effect from the 15th November 2002 by Shri Gangadhar Rout, Contractor of Orissa Polyfibres Limited, At Laxminagar, P. O. Baulpur, Dist. Dhenkanal is legal and/or justified ? If not, to what relief they are entitled ?”

2. After receipt of the reference, Shri Bharat Sahu, President, Orissa Synthetics Sharmik Sangha, Dhenkanal filed Statement of Claim on behalf of the second party workmen. Thereafter the first party managements were asked to file their respective written statements. But the first party management-1 instead of filing written statement, filed a joint petition on the 10th March 2005 signed by both the parties i.e. management-1 and the second party workmen along with a xerox copy of Memorandum of Settlement, dated the 14th November 2003 arrived at by them and prayed to pass a No Dispute Award. The first party management-2 also filed a petition to pass No Dispute Award on the grounds that the parties to the dispute under the reference have already settled the dispute. Therefore, the matter was posted to the 2nd April 2005 for hearing on the petitions and notice was issued by Regd. Post with A. D. to the second party's Union, who remained absent after filing of Statement of Claim. The second party's Union did not appear in the Court in spite of receipt of notice sent under Regd. Post

nor took any step. However, to give a further chance to the second party, the case was further posted to the 18th April 2005 for hearing of the said petitions, but even on the said date i. e. on the 18th April 2005 although the first party management appeared, the second party Union did not appear. The petitions were therefore heard on that date in absence of the second party workmen. The first party management-1 filed the original Memorandum of Settlement, dated the 14th November 2003 in the Court. I have gone through the settlement which appears to be quite, proper and reasonable. In view of the above tripartite settlement of the dispute, the present reference made by the State Government for adjudication of the said dispute becomes redundant. Accordingly No Dispute Award is hereby passed in respect of the dispute under reference.

Dictated and corrected by me.

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government